

Procedures in the Event of a Forced Closing or Delay for the U.S. Bankruptcy Court for the Western District of New York – Buffalo Division

JUDGE MICHAEL J. KAPLAN and JUDGE CARL L. BUCKI

These procedures are intended to provide general guidance when an emergency condition forces the Court to delay the start or cancel scheduled Court hearings. Guidance is also being provided to practitioners for situations that require the Court or Clerk's Office to close all or part of its activities.

Public Notice of Closing or Delay Due to an Emergency Condition -- Information Sources

Notice of the closing or delay of Court proceedings will be placed on the homepage of the Court's Internet site at <http://www.nywb.uscourts.gov>.

A recorded voice message will be available on the main telephone number for the Clerk's Office in Buffalo (716) 362-3200.

A closing announcement will be reported for radio broadcast through WBEN Radio 930 AM, Buffalo. A public announcement which affects the U.S. Bankruptcy will be identified as: "U.S. Courts, Federal Courts, U.S. District Court and/or U.S. Bankruptcy Court."

Calendar Procedures in the Event of Court Closings and Cancellations

Motion Calendars, Chapter 13 First Meetings, Chapter 13 confirmation calendars and Chapter 13 dismissal calendars will be recalled, in their original calendar order, on a date and time to be announced by the Court promptly upon the Court reopening after the closure. The adjourned dates and times of these calendars will be posted in the Intake Area in the Clerk's Office and posted on the Court's Internet site at <http://www.nywb.uscourts.gov/calendars>. **No mass mailing notification will be provided by the Clerk's Office. It is incumbent upon parties-in-interest and attorneys to check these sources.** The new calendar dates and times can also be obtained on a case-by-case basis through PACER or telephonically by calling the Clerk's Office at (716) 362-3200.

Pretrials, trials, evidentiary hearings or any other discreet matters will be rescheduled to other discreet times. **It is incumbent upon the movant to: (1) contact the Court to arrange for another date and time for the matter to be heard, and; (2) to notify the other parties to the action.**

Judge Kaplan cases contact: Christine Klimko at (716) 362-3271

Judge Bucki cases contact: Marcia Bannister at (716) 362-3281

"Deadlines" by which an act is to be performed that fall on a business day that the Court or Clerk's Office are closed due to an emergency condition are extended to the next business day that the Court is open, pursuant to Bankruptcy Rule 9006. The Clerk's Office will make every effort to identify and annotate the claim register for proofs of claim filed in cases in which the last day to file claims was a day on which the Court was closed due to an emergency condition.

Delays or Interruptions to Court Calendars

In the event of a delay in commencing daily Court business, the daily calendar will be heard in its original order, promptly upon the Court's delayed opening. All morning matters will be pushed back for the period equal to the period of the delay. For example, if there is a two-hour delay in the opening of Court business, the 8:30 a.m. matters will be heard at 10:30 a.m.

In the event of a delay in commencing daily Court business, any afternoon calendars will proceed as scheduled.

In the event of an interruption of Court business after normal daily business has commenced, the daily calendar will resume as soon as possible upon reopening of the Court. Generally, interruptions to calendars are for a short duration and cause little disruption (i.e., fire drill).

In the event a calendar is interrupted due to an emergency condition, the length of which interruption prevents the Court from resuming business on that day, the procedures identified above under "Court Closings and Cancellations" will be followed.

Other

Please contact the Office of the U.S. Trustee at 551-5541 regarding any delays or cancellations of Chapter 7 and Chapter 11 First Meetings of Creditors.

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